

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OLUFOLAJIMI ABEGUNDE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:25-cv-00562-BAM (PC)

ORDER STRIKING UNSIGNED FILINGS
(ECF Nos. 1–4)

ORDER TO SUBMIT SIGNED COMPLAINT
AND SIGNED PRISONER APPLICATION TO
PROCEED *IN FORMA PAUPERIS* OR PAY
FILING FEE

THIRTY (30) DAY DEADLINE

Plaintiff Olufolajimi Abegunde (“Plaintiff”) is a former federal prisoner proceeding *pro se* in this civil rights action pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b). Plaintiff initiated this action on May 12, 2025, together with an application to proceed *in forma pauperis*, a motion for e-filing access, and a motion for order directing service of the summons and complaint. (ECF Nos. 1–4.)

In reviewing the complaint, application to proceed *in forma pauperis*, and motions, the Court notes that Plaintiff has attempted to use an electronic signature for each document by typing “/s/ Olufolajimi Abegunde” or “s/ Olufolajimi Abegunde.” (ECF No. 1, p. 4; ECF No. 2, p. 2; ECF No. 3, p. 2; ECF No. 4, p. 1.)

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Both the Federal Rules of Civil Procedure and this Court's Local Rules require that all filed pleadings, motions and papers be signed by at least one attorney of record or by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). Local Rule 131 also permits the use of an electronic signature by a non-attorney for "papers authorized to be filed electronically by persons in pro per." Although Plaintiff has filed a motion for e-filing access pursuant to Local Rule 133(b)(2) and (3), such permission has not yet been granted. Accordingly, Plaintiff, proceeding as a *pro se* party, is still required to file and serve paper documents which include his own non-electronic signature. Local Rule 131(b).

As Plaintiff's filings do not include his non-electronic signature, they must be stricken from the record. Plaintiff will be permitted an opportunity to file a signed complaint and application to proceed to proceed *in forma pauperis* that comply with the Federal Rules of Civil Procedure and the Local Rules.

Plaintiff is free to re-file his other motions, also in compliance with the Court's rules regarding non-electronic signatures. If Plaintiff seeks permission to proceed with electronic filing, Plaintiff should complete and submit the "Petition by Pro Se Litigant for ECF Registration and Consent to Electronic Service" form. **Plaintiff remains responsible for filing all documents in paper form, with non-electronic signatures, until Plaintiff signs and returns the "Petition by Pro Se Litigant for ECF Registration and Consent to Electronic Service" form to the Clerk of the Court, the petition is granted, and he is issued a login and password.** If approved for electronic filing, Plaintiff must also provide and maintain a working email address to the Clerk of the Court. As Plaintiff states in his motion, electronic filing by a *pro se* litigant "is a privilege the Court can revoke at any time if there is abuse or for other good cause," (ECF No. 3, p. 1), and the Court confirms that electronic filing privileges can be withdrawn at any time at the discretion of the Court.

Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's complaint, application to proceed *in forma pauperis*, motion for e-filing access, and motion for order directing service of the summons and complaint, (ECF Nos. 1–4), are STRICKEN from the record for lack of signature;

2. The Clerk of the Court is directed to serve the following on Plaintiff at his address of record:

- a. A blank *in forma pauperis* application for a non-prisoner;
- b. A civil rights complaint form; and
- c. A “Petition by Pro Se Litigant for ECF Registration and Consent to Electronic Service” form;

3. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file the attached application to proceed *in forma pauperis* for a non-prisoner, completed and signed, or in the alternative, pay the \$405.00 filing fee for this action;

4. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file a signed complaint or a notice of voluntary dismissal; and

5. **Plaintiff is warned that the failure to comply with this order will result in dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim.**

IT IS SO ORDERED.

Dated: May 13, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE